



DEPARTMENT OF TRANSPORTATION

MATERIALS TRANSPORTATION BUREAU

WASHINGTON, D.C. 20590

18027

[Docket No. HM-163A; Amdt. No. 171-45]

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

Approvals/Authorizations Issued by the Bureau of Explosives

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to recognize the approvals and authorizations issued by the Bureau of Explosives (B of E) that are presently in effect. This rule provides for the continued use of approvals and authorizations issued by the B of E even though the function has been abolished or assumed by the Associate Director for Operations and Enforcement (OE). Also, this rule provides a means whereby approvals or authorizations may be amended or extended.

EFFECTIVE DATE: March 26, 1979.

ADDRESS COMMENTS TO: Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. It is requested that five copies be submitted.

FOR FURTHER INFORMATION CONTACT:

Darrell Raines, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Research and Special Programs Administration, Washington, D.C. 20590, phone 202-755-4962.

SUPPLEMENTARY INFORMATION: On August 17, 1978, the Materials Transportation Bureau published Docket No. HM-163; Amdt. Nos. 171-41, 173-119, 178-49 (43 FR 36445), as the first action in an overall phased program to withdraw all of the delegations of authority to the B of E in 49 CFR Parts 100-199. The reasons for the action taken as well as those to be considered in future rulemakings were clearly stated in the preamble to the above referenced amendment and will not be repeated here.

The MTB realizes that it is necessary to provide for continuity and continued effectiveness of existing B of E approvals and authorizations. Accordingly, a new section 171.19 has been added to provide for continued effectiveness of any approval that is valid at the time MTB assumes or abolishes that function. Any approval or authorization with a valid expiration date will continue in effect until that expiration date but not beyond December 31, 1984. Any approval or authorization that was issued by the B of E without an expiration date or with an

expiration date after 1984, will automatically expire on December 31, 1984.

When the July 20, 1978, final rule to Docket HM-121 (43 FR 31138) withdrew certain authority previously delegated to the B of E, no public comment had been received on existing B of E authorization subject to that amendment. Since that time, MTB has been notified of the existence of certain authorizations which are affected by the July amendment. Because of the need for immediate action to avoid unintended impacts on the holders, this amendment is issued without prior notice and is effective immediately. However, comments are still solicited and should be addressed as previously indicated. Comments will be considered in subsequent publications in Docket HM-163. Primary drafters of this document are Darrell L. Raines, Exemptions and Regulations Termination Branch, Office of Hazardous Materials Regulation, and George W. Tenley, Office of the Chief Counsel, Research and Special Programs Administration.

In consideration of the foregoing, 49 CFR Part 171 is amended as follows:

§ 171.19 is added to read as follows:

§ 171.19 Approvals or authorizations issued by the Bureau of Explosives.

Unless otherwise specifically restricted by other requirements of this subchapter, an approval or authorization issued by the Bureau of Explosives, which is valid at the time that approval or authorizing function is abolished or is assumed by the Associate Director for OE, remains valid under the conditions and for the period of time for which it was issued by the Bureau of Explosives. However, no such approval or authorization remains valid beyond December 31, 1984 unless reissued by the Associate Director for OE. The Associate Director for OE may amend or extend any approval or authorization issued by the Bureau of Explosives.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53.)

NOTE.—The Materials Transportation Bureau has determined that this amendment does not require a regulatory analysis under the items of Executive Order 12044 and DOT implementing procedures (43 FR 9582). A regulatory evaluation is available for review in the docket.

Issued in Washington, D.C. on March 16, 1979.

L. D. SANTMAN,
*Director, Materials
Transportation Bureau.*

[FR Doc. 79-9126 Filed 3-23-79; 8:45 am]